

By *Truman Zaffrini*
Shirley L. Luccio

5 B. No. *76*

A BILL TO BE ENTITLED

AN ACT

relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.012, Water Code, is amended by adding a new Subsection (h), amending and relettering existing Subsection (h) as Subsection (i), and relettering existing Subsections (i) and (j) as Subsections (j) and (k) to read as follows:

(h) Not later than December 1, 2001, the commission shall obtain or develop an updated water availability model for the Rio Grande. Recognizing that the Rio Grande is an international river touching on eight states and 19 tribes and pueblos, the model shall encompass water rights granted by jurisdictions outside this state as well as the unique geology and hydrology of the region. The commission shall collect data from all jurisdictions that allocate the waters of the river, including jurisdictions outside this state.

(i) Within 90 days of completing a water availability model for a river basin, the commission shall provide to all holders of existing permits, certified filings, and certificates of adjudication in that river basin the projected amount of water that would be available: during a drought of record; when flows are at 75 percent of normal; and when flows are at 50 percent of normal.

1 With regard to the Rio Grande, the commission shall notify all
2 holders of any existing type of water right in the waters of the
3 river who reside in or have corporate resident status in this
4 state.

5 (j) [(i)] Within 90 days of completing a water availability
6 model for a river basin, the commission shall provide to each
7 regional water planning group created under Section 16.053 of this
8 code in that river basin the projected amount of water that would
9 be available if cancellation procedures were instigated under the
10 provisions of Subchapter E, Chapter 11, of this code.

11 (k) [(j)] Within 90 days of completing a water availability
12 model for a river basin, the commission, in coordination with the
13 Parks and Wildlife Department, shall determine the potential
14 impact of reusing municipal and industrial effluent on existing
15 water rights, instream uses, and freshwater inflows to bays and
16 estuaries. Within 30 days of making this determination, the
17 commission shall provide the projections to the board and each
18 regional water planning group created under Section 16.053 of this
19 code in that river basin.

20 SECTION 2. The importance of this legislation and the
21 crowded condition of the calendars in both houses create an
22 emergency and an imperative public necessity that the
23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended,
25 and that this Act take effect and be in force from and after its
26 passage, and it is so enacted.

1-1 By: Truan S.B. No. 76
1-2 (In the Senate - Filed December 2, 1998; January 26, 1999,
1-3 read first time and referred to Special Committee on Border
1-4 Affairs; March 8, 1999, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 March 8, 1999, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 76 By: Truan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to requiring the Texas Natural Resource Conservation
1-11 Commission to develop a water availability model for the Rio
1-12 Grande.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 16.012, Water Code, is amended by adding
1-15 a new Subsection (h), amending and relettering existing Subsection
1-16 (h) as Subsection (i), and relettering existing Subsections (i) and
1-17 (j) as Subsections (j) and (k) to read as follows:

1-18 (h) Not later than December 31, 2003, the commission shall
1-19 obtain or develop an updated water availability model for the Rio
1-20 Grande. Recognizing that the Rio Grande is an international river
1-21 touching on three states of the United States and five states of
1-22 the United Mexican States and draining an area larger than the
1-23 State of Texas, the model shall encompass water rights granted by
1-24 jurisdictions outside this state as well as the unique geology and
1-25 hydrology of the region. The commission shall collect data from
1-26 all jurisdictions that allocate the waters of the river, including
1-27 jurisdictions outside this state.

1-28 (i) Within 90 days of completing a water availability model
1-29 for a river basin, the commission shall provide to all holders of
1-30 existing permits, certified filings, and certificates of
1-31 adjudication in that river basin the projected amount of water that
1-32 would be available: during a drought of record; when flows are at
1-33 75 percent of normal; and when flows are at 50 percent of normal.
1-34 With regard to the Rio Grande, the commission shall notify all
1-35 holders of any existing Texas water right in the waters of the
1-36 river who reside in or have corporate resident status in this
1-37 state.

1-38 (j) [††] Within 90 days of completing a water availability
1-39 model for a river basin, the commission shall provide to each
1-40 regional water planning group created under Section 16.053 of this
1-41 code in that river basin the projected amount of water that would
1-42 be available if cancellation procedures were instigated under the
1-43 provisions of Subchapter E, Chapter 11, of this code.

1-44 (k) [††] Within 90 days of completing a water availability
1-45 model for a river basin, the commission, in coordination with the
1-46 Parks and Wildlife Department, shall determine the potential impact
1-47 of reusing municipal and industrial effluent on existing water
1-48 rights, instream uses, and freshwater inflows to bays and
1-49 estuaries. Within 30 days of making this determination, the
1-50 commission shall provide the projections to the board and each
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1-54 crowded condition of the calendars in both houses create an
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1-58 and that this Act take effect and be in force from and after its
1-59 passage, and it is so enacted.

1-60 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 76
By Truan
(Author/Senate Sponsor)
March 8, 1999
(date)

Sir:

We, your Committee on BORDER AFFAIRS, to which was referred the attached measure,
have on March 4, 1999, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Lucio, Chair	<input checked="" type="checkbox"/>			
Senator Sibley, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Bivins	<input checked="" type="checkbox"/>			
Senator Duncan			<input checked="" type="checkbox"/>	
Senator Shapleigh	<input checked="" type="checkbox"/>			
Senator Truan	<input checked="" type="checkbox"/>			
Senator Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	6		1	

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Stephanie R Hoover
COMMITTEE CLERK

Lucio
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

SB 76
SENATE COMMITTEE REPORT
Border Affairs - Special Committee

March 4, 1999 - 8:30A

On: Petersen, Ken (Texas Natural Resource Conservation
Commission), Austin

Registering, but not testifying:

For: Garcia, Joe (City of McAllen), Austin

Martinez, Mario (City of Laredo), Austin

BILL ANALYSIS

Senate Research Center

C.S.S.B. 76
By: Truan
Border Affairs
3/5/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law provides general direction for the Texas Natural Resource Conservation Commission (TNRCC) to develop water availability models for the state's river basins. A water availability model accounts for all existing water rights, uses, and demands on a river to determine how much water is available and under what conditions it is available. TNRCC has no plans to develop a water availability model for the Rio Grande. C.S.S.B. 76 requires TNRCC to develop a water availability model for the Rio Grande.

PURPOSE

As proposed, C.S.S.B. 76 requires the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.012, Water Code, by adding a new Subsection (h), amending and relettering existing Subsection (h) as Subsection (i), and relettering existing Subsections (i) and (j) as Subsection (j) and (k), as follows:

(h) Requires the Texas Natural Resource Conservation Commission (TNRCC) to obtain or to develop an updated water availability model for the Rio Grande before December 31, 2003. Requires the model to encompass water rights granted by jurisdictions outside this state as well as the unique geology and hydrology of the region, recognizing that the Rio Grande is an international river touching on three states of the United States and five states of the United Mexican States and draining an area larger than the State of Texas. Requires TNRCC to collect data from all jurisdictions that allocate the water of the river, including jurisdictions outside this state.

(i) Requires TNRCC to notify all holders of any existing type of water right in the waters of the Rio Grande River who reside in or have corporate resident status in this state.

(j)-(k) Makes conforming changes.

SECTION 2. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 16.012, Water Code, to requires the model to encompass water rights granted by jurisdictions outside this state as well as the unique geology and hydrology of the region, recognizing that the Rio Grande is an international river touching on three states of the United States and five states of the United Mexican States and draining an area larger than the State of Texas. Deletes provisions requiring TNRCC to obtain or develop an updated water availability

model for the Rio Grande not later than December 1, 2001. Deletes a provision recognizing the Rio Grande as an international river touching on eight states and 19 tribes and pueblos.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 5, 1999

TO: Honorable Eddie Lucio, Chair, Senate Committee on Border Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB76 by Truan (relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande), Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB76, Committee Report 1st House, Substituted: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Net Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	(1,000,000)
2003	(1,500,000)
2004	(400,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Change in Number of State Employees from FY 1999
2000	\$ 0	0.0
2001	0	0.0
2002	(1,000,000)	0.0
2003	(1,500,000)	0.0
2004	(400,000)	0.0

Technology Impact

The bill would require computer modeling expertise.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission (TNRCC) to develop or obtain an updated water availability model for the Rio Grande River by December 31, 2003. The model would encompass water rights granted by all jurisdictions that allocate waters of the river, including those entities outside the state.

Methodology

Due to current agency workload plans for fiscal years 2000 and 2001 associated with water availability modeling required under Senate Bill 1 (75th Legislature), the TNRCC would begin the Rio Grande modeling effort in fiscal year 2002. The estimated costs are based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission
LBB Staff: JK, DE, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

February 16, 1999

TO: Honorable Eddie Lucio, Chair, Senate Committee on Border Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB76 by Truan (Relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande.), As Introduced

Two-year Net Impact to General Revenue Related Funds for SB76, As Introduced:
negative impact of \$(2,734,046) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(1,125,823)
2001	(1,608,223)
2002	(508,223)
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ (1,125,823)	2.0
2001	(1,608,223)	2.0
2002	(508,223)	2.0
2003	0	0.0
2004	0	0.0

Technology Impact

The bill would require computer modeling expertise and two personal computers for staff.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission to develop or obtain an updated water availability model for the Rio Grande River by December 1, 2001. The model would encompass water rights granted by all jurisdictions that allocate waters of the river, including those entities outside the state.

Methodology

The estimated costs are based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, DE, DM

By: Truan, et al.

S.B. No. 76

Substitute the following for S.B. No. 76:

By: Truan

C.S.S.B. No. 76

A BILL TO BE ENTITLED

AN ACT

relating to requiring the Texas Natural Resource Conservation Commission to develop a water ^{supply} ~~(availability)~~ model for the Rio Grande.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

^{Insert F.A. # 10, as amended by F.A. # 2}
SECTION 1. ~~Section 16.012, Water Code, is amended by adding~~

a new Subsection (h), amending and relettering existing Subsection (h) as Subsection (i), and relettering existing Subsections (i) and (j) as Subsections (j) and (k) to read as follows:

(h) Not later than December 31, 2003, the commission shall obtain or develop an updated water availability model for the Rio Grande. Recognizing that the Rio Grande is an international river touching on three states of the United States and five states of the United Mexican States and draining an area larger than the State of Texas, the model shall encompass water rights granted by jurisdictions outside this state as well as the unique geology and hydrology of the region. The commission shall collect data from all jurisdictions that allocate the waters of the river, including jurisdictions outside this state.

(i) Within 90 days of completing a water availability model for a river basin, the commission shall provide to all holders of existing permits, certified filings, and certificates of adjudication in that river basin the projected amount of water that

3-5-44

4-7-99 / W 2 F.A.

5-25-99 / W 2 F.A. 4/1/00
1 House Amr

1 would be available: during a drought of record; when flows are at
 2 75 percent of normal; and when flows are at 50 percent of normal.

3 With regard to the Rio Grande, the commission shall notify all
 4 holders of any existing Texas water right in the waters of the
 5 river who reside in or have corporate resident status in this
 6 state.

7 (j) [(+)] Within 90 days of completing a water availability
 8 model for a river basin, the commission shall provide to each
 9 regional water planning group created under Section 16.053 of this
 10 code in that river basin the projected amount of water that would
 11 be available if cancellation procedures were instigated under the
 12 provisions of Subchapter E, Chapter 11, of this code.

13 (k) [(+)] Within 90 days of completing a water availability
 14 model for a river basin, the commission, in coordination with the
 15 Parks and Wildlife Department, shall determine the potential impact
 16 of reusing municipal and industrial effluent on existing water
 17 rights, instream uses, and freshwater inflows to bays and
 18 estuaries. Within 30 days of making this determination, the
 19 commission shall provide the projections to the board and each
 20 regional water planning group created under Section 16.053 of this
 21 code in that river basin.

22 Insert F.A.# 1 (3)
 23 SECTION 2. The importance of this legislation and the
 24 crowded condition of the calendars in both houses create an
 25 emergency and an imperative public necessity that the
 26 constitutional rule requiring bills to be read on three several
 27 days in each house be suspended, and this rule is hereby suspended,
 and that this Act take effect and be in force from and after its

C.S.S.B. No. 76

1 passage, and it is so enacted.

ADOPTED

APR 07 1999

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY *Phou*

Amend C.S.S.B. No. 76 as follows:

(1) In SECTION 1 of the bill, strike the introductory language and new Subsection (h), Section 16.012, Water Code (Committee printing, page 1, lines 14⁵ through 27¹⁸), and substitute the following:

Section 16.012, Water Code, is amended by adding a new Subsection (h) and redesignating existing Subsections (h), (i), and (j) as Subsections (i), (j), and (k) to read as follows:

(h) Not later than December 31, 2003, the commission shall obtain or develop an updated water supply model for the Rio Grande. Recognizing that the Rio Grande is an international river touching on three states of the United States and five states of the United Mexican States and draining an area larger than the State of Texas, the model shall encompass to the extent practicable the significant water demands within the watershed of the river as well as the unique geology and hydrology of the region. The commission may collect data from all jurisdictions that allocate the waters of the river, including jurisdictions outside this state. ^{INSERT F.A.#2}

(2) In SECTION 1 of the bill, redesignated and amended Subsection (i), Section 16.012, Water Code (Committee printing, page 1, lines 34² through 37⁶), strike the last sentence. ⁸⁵

(3) Between SECTIONS 1 and 2 of the bill, add a new SECTION 2 to the bill to read as follows: *p. 2 l. 22*

SECTION 2. The implementation of ^{Subsection (h),} Section 16.012^(h), Water Code, as added by this Act, is contingent on the appropriation by the 77th Legislature of funds for the purpose of that subsection. ⁸⁶

(4) Renumber existing SECTION 2 of the bill as SECTION 3.

How Am #1

4-7-99

5-25-99

FLOOR AMENDMENT NO. 2

BY

Zaffarini

Amend CSSB 76 as follows:

On page 1, line 27 (committee printing), insert the following after the period:

"The model must be capable of evaluating the effects of allowing cities on the Rio Grande to receive credit for wastewater flows that are returned to the river."

insert at l. 18 of F.A. # 1①

ADOPTED

APR 07 1999

Letty Ling
Secretary of the Senate

*deleted by
H.A. #1*

*Floor Am. # 2
4-7-99*

10/12/99

1/8

pg 11

Rec 5/25/99

April 7 19 99 Engrossed
Daisy Spaw
Engrossing Clerk

I hereby certify to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

(Signed Clerk or Notary)

By: Truan, et al.

S.B. No. 76

A BILL TO BE ENTITLED
AN ACT

relating to requiring the Texas Natural Resource Conservation
Commission to develop a water supply model for the Rio Grande.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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a new Subsection (h) and redesignating existing Subsections (h),
(i), and (j) as Subsections (i), (j), and (k) to read as follows:

(h) Not later than December 31, 2003, the commission shall
obtain or develop an updated water supply model for the Rio Grande.
Recognizing that the Rio Grande is an international river touching
on three states of the United States and five states of the United
Mexican States and draining an area larger than the State of Texas,
the model shall encompass to the extent practicable the significant
water demands within the watershed of the river as well as the
unique geology and hydrology of the region. The commission may
collect data from all jurisdictions that allocate the waters of the
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be capable of evaluating the effects of allowing cities on the Rio
Grande to receive credit for wastewater flows that are returned to
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(i) Within 90 days of completing a water availability model
for a river basin, the commission shall provide to all holders of
existing permits, certified filings, and certificates of
adjudication in that river basin the projected amount of water that
would be available: during a drought of record; when flows are at

1 75 percent of normal; and when flows are at 50 percent of normal.

2 (j) [~~+~~] Within 90 days of completing a water availability
3 model for a river basin, the commission shall provide to each
4 regional water planning group created under Section 16.053 of this
5 code in that river basin the projected amount of water that would
6 be available if cancellation procedures were instigated under the
7 provisions of Subchapter E, Chapter 11, of this code.

8 (k) [~~+~~] Within 90 days of completing a water availability
9 model for a river basin, the commission, in coordination with the
10 Parks and Wildlife Department, shall determine the potential impact
11 of reusing municipal and industrial effluent on existing water
12 rights, instream uses, and freshwater inflows to bays and
13 estuaries. Within 30 days of making this determination, the
14 commission shall provide the projections to the board and each
15 regional water planning group created under Section 16.053 of this
16 code in that river basin.

17 SECTION 2. The implementation of Subsection (h), Section
18 16.012, Water Code, as added by this Act, is contingent on the
19 appropriation by the 77th Legislature of funds for the purpose of
20 that subsection.

21 SECTION 3. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 5, 1999

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The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Net Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
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2002	(1,000,000)
2003	(1,500,000)
2004	(400,000)

All Funds, Five-Year Impact:

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Technology Impact

The bill would require computer modeling expertise.

Fiscal Analysis

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Methodology

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Local Government Impact

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Source Agencies: 582 Natural Resource Conservation Commission
LBB Staff: JK, DE, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

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LBB Staff: JK, DE, DM

HOUSE COMMITTEE REPORT

1st Printing

By: Truan, et al.
(Flores)

S.B. No. 76

A BILL TO BE ENTITLED

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11 Mexican States and draining an area larger than the State of Texas,
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16 code in that river basin.

17 SECTION 2. The implementation of Subsection (h), Section
18 16.012, Water Code, as added by this Act, is contingent on the
19 appropriation by the 77th Legislature of funds for the purpose of
20 that subsection.

21 SECTION 3. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended,
26 and that this Act take effect and be in force from and after its

S.B. No. 76

1 passage, and it is so enacted.

S.B. No. 76

COMMITTEE AMENDMENT NO. 1

Amend S.B. 76 as follows:

On page 1, line 16, strike the following language:

The model must be capable of evaluating the effects of
allowing cities on the Rio Grande to receive credit for wastewater
flows that are returned to the river.

Counts

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

4/28/99
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES
to whom was referred SB 76 have had the same under consideration and beg to report
back with the recommendation that it

() do pass, without amendment.
(☒) do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

(☒) yes () no A fiscal note was requested.

() yes (☒) no A criminal justice policy impact statement was requested.

() yes (☒) no An equalized educational funding impact statement was requested.

() yes (☒) no An actuarial analysis was requested.

() yes (☒) no A water development policy impact statement was requested.

() yes (☒) no A tax equity note was requested.

(☒) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Flores

Joint Sponsors: / / /

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Counts, Chair	<input checked="" type="checkbox"/>			
King, T., Vice-chair				<input checked="" type="checkbox"/>
Cook	<input checked="" type="checkbox"/>			
Corte				<input checked="" type="checkbox"/>
Hamric	<input checked="" type="checkbox"/>			
Lewis, R.	<input checked="" type="checkbox"/>			
Puente	<input checked="" type="checkbox"/>			
Shields	<input checked="" type="checkbox"/>			
Walker	<input checked="" type="checkbox"/>			

Total

7 aye
0 nay
0 present, not voting
2 absent

David Counts
CHAIR

BILL ANALYSIS

Office of House Bill Analysis

S.B. 76
By: Truan
Natural Resources
4/29/1999
Committee Report (Amended)

BACKGROUND AND PURPOSE

Current law requires the Texas Natural Resource Conservation Commission (TNRCC) to develop water availability models for certain river basins in this state. A water availability model accounts for all existing water rights, uses, and demands on a river to determine how much water is available and under what conditions it is available. S.B. 76 requires TNRCC to develop a water availability model for the Rio Grande.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.012, Water Code, by adding a new Subsection (h), and redesignating existing Subsection (h), (i), and (j) as Subsections (i), (j), and (k), as follows:

(h) Requires the Texas Natural Resource Conservation Commission (TNRCC), not later than December 31, 2003, to obtain or to develop an updated water availability model for the Rio Grande. Requires the model to encompass the significant water demands within the watershed of the river as well as the unique geology and hydrology of the region. Authorizes TNRCC to collect data from all jurisdictions that allocate the waters of the river, including jurisdictions outside this state.

SECTION 2. Provides that the implementation of Subsection (h), Section 16.012, Water Code, is contingent on the appropriation by the 77th Legislature of funds for the purpose of that subsection.

SECTION 3. Emergency clause.
Effective date: upon passage.

EXPLANATION OF AMENDMENTS

Committee Amendment #1

SECTION 1. Amends proposed Section 16.012(h), Water Code, by deleting language that provides that the water availability model must be capable of evaluating the effects of allowing cities on the Rio Grande to receive credit for wastewater flows that are returned to the river.

SUMMARY OF COMMITTEE ACTION

SB 76

April 28, 1999 2:00PM or upon adjournment

Considered in public hearing

Amendment(s) considered in committee

Recommended to be sent to Local & Consent

Reported favorably as amended

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 29, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB 76 by Truan (relating to requiring the Texas Natural Resource Conservation Commission to develop a water supply model for the Rio Grande), **Committee Report 2nd House, as amended**

Estimated Two-year Net Impact to General Revenue Related Funds for SB76, Committee Report 2nd House, as amended: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Net Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	(1,000,000)
2003	(1,500,000)
2004	(400,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ 0	0.0
2001	0	0.0
2002	(1,000,000)	0.0
2003	(1,500,000)	0.0
2004	(400,000)	0.0

Technology Impact

The bill would require computer modeling expertise.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission (TNRCC) to develop or obtain an updated water availability model for the Rio Grande River by December 31, 2003.

Methodology

Due to current agency workload plans for fiscal years 2000 and 2001 associated with water availability modeling required under Senate Bill 1 (75th Legislature), the TNRCC would begin the Rio Grande modeling effort in fiscal year 2002. The estimated costs are

based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission
LBB Staff: JK, DE, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 19, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB 76** by Truan (Relating to requiring the Texas Natural Resource Conservation Commission to develop a water supply model for the Rio Grande.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB76, As Engrossed: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Net Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	(1,000,000)
2003	(1,500,000)
2004	(400,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ 0	0.0
2001	0	0.0
2002	(1,000,000)	0.0
2003	(1,500,000)	0.0
2004	(400,000)	0.0

Technology Impact

The bill would require computer modeling expertise.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission (TNRCC) to develop or obtain an updated water availability model for the Rio Grande River by December 31, 2003.

Methodology

Due to current agency workload plans for fiscal years 2000 and 2001 associated with water availability modeling required under Senate Bill 1 (75th Legislature), the TNRCC would begin the Rio Grande modeling effort in fiscal year 2002. The estimated costs are based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 5, 1999

TO: Honorable Eddie Lucio, Chair, Senate Committee on Border Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB76 by Truan (relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande), Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB76, Committee Report 1st House, Substituted: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Net Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	(1,000,000)
2003	(1,500,000)
2004	(400,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Change in Number of State Employees from FY 1999
2000	\$ 0	0.0
2001	0	0.0
2002	(1,000,000)	0.0
2003	(1,500,000)	0.0
2004	(400,000)	0.0

Technology Impact

The bill would require computer modeling expertise.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission (TNRCC) to develop or obtain an updated water availability model for the Rio Grande River by December 31, 2003. The model would encompass water rights granted by all jurisdictions that allocate waters of the river, including those entities outside the state.

Methodology

Due to current agency workload plans for fiscal years 2000 and 2001 associated with water availability modeling required under Senate Bill 1 (75th Legislature), the TNRCC would begin the Rio Grande modeling effort in fiscal year 2002. The estimated costs are based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

February 16, 1999

TO: Honorable Eddie Lucio, Chair, Senate Committee on Border Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB76 by Truan (Relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande.), As Introduced

Two-year Net Impact to General Revenue Related Funds for SB76, As Introduced: negative impact of \$(2,734,046) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(1,125,823)
2001	(1,608,223)
2002	(508,223)
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Change in Number of State Employees from FY 1999
2000	\$ (1,125,823)	2.0
2001	(1,608,223)	2.0
2002	(508,223)	2.0
2003	0	0.0
2004	0	0.0

Technology Impact

The bill would require computer modeling expertise and two personal computers for staff.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission to develop or obtain an updated water availability model for the Rio Grande River by December 1, 2001. The model would encompass water rights granted by all jurisdictions that allocate waters of the river, including those entities outside the state.

Methodology

The estimated costs are based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, DE, DM

LIST OF HOUSE AMENDMENTS CONSIDERED TODAY (05-22-1999)

SB76-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Counts	Comm Amdt	Adopted

AL

MAY 22 1999

Sharon Carter
Chief Clerk
House of Representatives

FLOOR AMENDMENT NO. 1

COMMITTEE AMENDMENT NO. 1

By Counts

1 Amend S.B. 76 as follows:

2 On page 1, line 16, strike the following language:

3 The model must be capable of evaluating the effects of
4 allowing cities on the Rio Grande to receive credit for wastewater
5 flows that are returned to the river.

* This deletes Senate F.A. #2

House Am. #1
5-25-99
JCS/25/11

Enrolled

May 26, 1999

Kathy Law
Enrolling Clerk

S.B. No. 76

AN ACT

relating to requiring the Texas Natural Resource Conservation Commission to develop a water supply model for the Rio Grande.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.012, Water Code, is amended by adding a new Subsection (h) and redesignating existing Subsections (h), (i), and (j) as Subsections (i), (j), and (k) to read as follows:

(h) Not later than December 31, 2003, the commission shall obtain or develop an updated water supply model for the Rio Grande. Recognizing that the Rio Grande is an international river touching on three states of the United States and five states of the United Mexican States and draining an area larger than the State of Texas, the model shall encompass to the extent practicable the significant water demands within the watershed of the river as well as the unique geology and hydrology of the region. The commission may collect data from all jurisdictions that allocate the waters of the river, including jurisdictions outside this state.

(i) Within 90 days of completing a water availability model for a river basin, the commission shall provide to all holders of existing permits, certified filings, and certificates of adjudication in that river basin the projected amount of water that would be available: during a drought of record; when flows are at 75 percent of normal; and when flows are at 50 percent of normal.

(j) ~~[(i)]~~ Within 90 days of completing a water availability model for a river basin, the commission shall provide to each

1 regional water planning group created under Section 16.053 of this
2 code in that river basin the projected amount of water that would
3 be available if cancellation procedures were instigated under the
4 provisions of Subchapter E, Chapter 11, of this code.

5 (k) [~~+~~]~~+~~] Within 90 days of completing a water availability
6 model for a river basin, the commission, in coordination with the
7 Parks and Wildlife Department, shall determine the potential impact
8 of reusing municipal and industrial effluent on existing water
9 rights, instream uses, and freshwater inflows to bays and
10 estuaries. Within 30 days of making this determination, the
11 commission shall provide the projections to the board and each
12 regional water planning group created under Section 16.053 of this
13 code in that river basin.

14 SECTION 2. The implementation of Subsection (h), Section
15 16.012, Water Code, as added by this Act, is contingent on the
16 appropriation by the 77th Legislature of funds for the purpose of
17 that subsection.

18 SECTION 3. The importance of this legislation and the
19 crowded condition of the calendars in both houses create an
20 emergency and an imperative public necessity that the
21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended,
23 and that this Act take effect and be in force from and after its
24 passage, and it is so enacted.

S.B. No. 76

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 76 passed the Senate on April 7, 1999, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 25, 1999, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 76 passed the House, with amendment, on May 22, 1999, by the following vote: Yeas 143, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 29, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB 76 by Truan (relating to requiring the Texas Natural Resource Conservation Commission to develop a water supply model for the Rio Grande), **Committee Report 2nd House, as amended**

Estimated Two-year Net Impact to General Revenue Related Funds for SB76, Committee Report 2nd House, as amended: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Net Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	(1,000,000)
2003	(1,500,000)
2004	(400,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ 0	0.0
2001	0	0.0
2002	(1,000,000)	0.0
2003	(1,500,000)	0.0
2004	(400,000)	0.0

Technology Impact

The bill would require computer modeling expertise.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission (TNRCC) to develop or obtain an updated water availability model for the Rio Grande River by December 31, 2003.

Methodology

Due to current agency workload plans for fiscal years 2000 and 2001 associated with water availability modeling required under Senate Bill 1 (75th Legislature), the TNRCC would begin the Rio Grande modeling effort in fiscal year 2002. The estimated costs are

based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 19, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB 76 by Truan (Relating to requiring the Texas Natural Resource Conservation Commission to develop a water supply model for the Rio Grande.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB76, As Engrossed: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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Technology Impact

The bill would require computer modeling expertise.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission (TNRCC) to develop or obtain an updated water availability model for the Rio Grande River by December 31, 2003.

Methodology

Due to current agency workload plans for fiscal years 2000 and 2001 associated with water availability modeling required under Senate Bill 1 (75th Legislature), the TNRCC would begin the Rio Grande modeling effort in fiscal year 2002. The estimated costs are based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 5, 1999

TO: Honorable Eddie Lucio, Chair, Senate Committee on Border Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB76 by Truan (relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande), Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB76, Committee Report 1st House, Substituted: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Net Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	(1,000,000)
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All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Change in Number of State Employees from FY 1999
2000	\$ 0	0.0
2001	0	0.0
2002	(1,000,000)	0.0
2003	(1,500,000)	0.0
2004	(400,000)	0.0

Technology Impact

The bill would require computer modeling expertise.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission (TNRCC) to develop or obtain an updated water availability model for the Rio Grande River by December 31, 2003. The model would encompass water rights granted by all jurisdictions that allocate waters of the river, including those entities outside the state.

Methodology

Due to current agency workload plans for fiscal years 2000 and 2001 associated with water availability modeling required under Senate Bill 1 (75th Legislature), the TNRCC would begin the Rio Grande modeling effort in fiscal year 2002. The estimated costs are based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

February 16, 1999

TO: Honorable Eddie Lucio, Chair, Senate Committee on Border Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB76 by Truan (Relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande.), **As Introduced**

Two-year Net Impact to General Revenue Related Funds for SB76, As Introduced: negative impact of \$(2,734,046) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(1,125,823)
2001	(1,608,223)
2002	(508,223)
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ (1,125,823)	2.0
2001	(1,608,223)	2.0
2002	(508,223)	2.0
2003	0	0.0
2004	0	0.0

Technology Impact

The bill would require computer modeling expertise and two personal computers for staff.

Fiscal Analysis

The bill would require the Texas Natural Resource Conservation Commission to develop or obtain an updated water availability model for the Rio Grande River by December 1, 2001. The model would encompass water rights granted by all jurisdictions that allocate waters of the river, including those entities outside the state.

Methodology

The estimated costs are based on contractor assistance in developing the model, using historical costs for modeling similar river basins with similar numbers of water rights.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, DE, DM

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 76 passed the Senate on April 7, 1999, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 25, 1999, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 76 passed the House, with amendment, on May 22, 1999, by the following vote: Yeas 143, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

A BILL TO BE ENTITLED

AN ACT:

Relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande.

DEC 02 1998

JAN 26 1999

Filed with the Secretary of the Senate

SPECIAL COMMITTEE ON
BORDER AFFAIRS

Read and referred to Committee on

Reported favorably

MAR 08 1999

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 07 1999

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

years, nays

APR 07 1999

Read second time, amended, and ordered engrossed by:

unanimous consent

a viva voce vote

years, nays

APR 07 1999

Senate and Constitutional 3 Day Rule suspended by a vote of 29 yeas, 1 nays.

APR 07 1999

Read third time, _____, and passed by:

A viva voce vote

30 yeas, 0 nays

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

April 7, 1999

Engrossed

April 8, 1999

Sent to House

Engrossing Clerk

Daisy Graw

APR 08 1999

Received from the Senate

APR 12 1999

Read first time and referred to Committee on Natural Resources

APR 28 1999

Reported _____ favorably (as amended) (~~as substituted~~)

MAY 06 1999

Sent to Committee on (~~Calendar~~) (Local & Consent Calendars)

MAY 22 1999

Read second time (~~committee substitute~~) (amended), passed to third reading (~~failed~~) by a (non-record vote) (~~record vote of _____ yeas, _____ nays, _____ present, not voting~~)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

MAY 22 1999

Read third time (~~amended~~), finally passed (~~failed to pass~~) by a (~~non-record vote~~) (record vote of 143 yeas, 1 nays, 2 present, not voting)

MAY 24 1999

Returned to Senate.

Sharon Carter

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

MAY 24 1999

Returned from House with _____ amendments.

MAY 25 1999

Concurred in House amendments by a ~~viva voce vote~~ 30 yeas, 0 nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays